IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.4096 OF 2006

Mohan Kumar Rayana .. Petitioner
v/s.
Komal Mohan Kumar Rayana .. Respondent

Mr.Janak Dwarkadas, senior counsel with Ms.Madhavi Divan i/by M/s.D.H.Law & Associates for the petitioner.

Ms.S.I.Jayakar (Lalwani)for the respondent.

CORAM : R.M. LODHA &
S.J. VAZIFDAR, JJ.

DATED : 11TH JULY, 2006

P.C.

Ms.S.I.Jayakar, counsel for the respondent makes the statement before us that the child Anisha's passport bearing No.E-2544916 shall be deposited by the respondent with the Family Court immediately. We accept the statement of the counsel for the

respondent.

2. We further observe that both the parties shall be at liberty to apply to the Family Court as and when necessary to take the child Anisha outside the jurisdiction of the Family Court and upon such application being made, the Family Court shall pass an appropriate order in an objective manner.

3. At this stage, the counsel for the respondent submits that the custody petitions being Nos.65/2005 and 66/2005 be ordered to be heard at an early date.

4. Mr.Janak Dwarkadas, senior counsel for the petitioner would submit that the two custody petitions as well as divorce petition (M.J.Petition No.A-274/2006) be transferred to some other Judge of the Family Court.

5. Ordinarily, we would not have entertained the prayer for transfer of the petitions to some other Judge but in view of the fact that the respondent desires the custody petition Nos.65/2005 and 66/2005 to

be heard at an early date and that may not be possible if these petitions are tried by the Principal Judge, Family Court as besides the judicial work, she also has to give considerable time on the administrative work.

6. We, accordingly, by consent of the senior counsel and the counsel for the parties transfer the custody petition Nos.65/2005, custody petition No.66/2005 and the Matrimonial Petition (M.J.Petition No.A-274/2006) to Court No.5, Family Court, Bandra. We further direct that the custody petitions being 65/2005 and 66/2005 shall be heard by Court Room No.5, Family Court, Bandra at an early date and disposed of as early as possible and preferably by 31st December, 2006.

7. We record the statement of the senior counsel for the petitioner that the petitioner is not desirous of seeking modification of the access order for which application No.12/2006 has been made. Now since the petitioner is not desirous of seeking any order on the application No.12/2006 and prays for withdrawal of the application, we allow the application No.12/2006 to be withdrawn. In this view of the matter, the Presiding Officer shall not pronounce any order on the said application.

Writ petition stands disposed of accordingly.

(R.M.LODHA, J.)

(S.J.VAZIFDAR, J.)